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DEPARTMENT OF STATE

Memorandum of Conversation

DATE: December 11, 1958

SUBJECT: Aide-Memoire on Berlin Contingency Plans Handed to British and French.

DEC 18 1958

PARTICIPANTS: Mr. Olivier Manet Counselor, French Embassy
Mr. R. W. Jackling, Counselor, British Embassy
Mr. Foy D. Kohler, EUR
Mr. Alfred G. Vigderman, GER
Mr. James H. McFarland, Jr., GPA

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Mr. Kohler handed an aide-memoire to Mr. Manet and Mr. Jackling with the remark that they were identical (copy attached). He initialled and dated both papers December 11, 1958. The aide-memoire contained a revision of the contingency plans for Berlin, which we had re-examined. Instead of discussing the subject with them at length, he was now handing them our Government's position as revised. He hoped their Governments would agree and instruct their representatives in Bonn to concert with ours in reviewing and revising the contingency plan in this light. He handed over the papers, which were read by both, calling to their attention that references to covered and uncovered convoys at the bottom of page 4 and at the top of page 5 should be struck out and noted that he had taken the liberty of lining them out in their copies with his own pen.

Mr. Jackling asked if it was intended not to give any further information on this proposed change to the Germans until we had tripartite agreement between our embassies in Bonn. Mr. Kohler replied that this was the idea, but pointed out that it might be very hard to keep the matter quiet during the Paris discussions. It had been our intention to hand over this aide-memoire earlier in the hope of getting tripartite agreement before telling the Germans but the whole thing was bound to come up during the meetings in Paris. The decision embodied in this paper was one that would have to be reached in the course of discussions in Paris before it could be decided how we would reply to the Soviet note. He hoped that the British and French had been re-examining the problem in the light of the Soviet note and had arrived at similar conclusions.

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Mr. Jackling

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Mr. Jackling referred to the paragraph beginning at the bottom of page 2 and concluding at top of page 3 and read aloud. He asked if Mr. Kohler could enlarge on this a bit, particularly the references to the consequences of dealing with the GDR. Mr. Kohler replied that this was meant to convey our conclusions that in fact dealing with the GDR would start us on the way toward recognition. Further, if we dealt with the GDR for a while on any sort of agency basis and then felt obliged to break off and apply force, it would be a great deal harder to justify than if we refused to deal at all.

Mr. Jackling returned to the concluding sentence of the paragraph that "recognition of the GDR by the Allies would make Allied access to Berlin even more vulnerable with the end result that our position would become completely untenable." Mr. Manet remarked that he understood it to mean not just Allied access alone but our whole position. Mr. Kohler agreed and said that it was not meant to be an exclusive statement on access alone. It was not the happiest phrasing, but it was obvious that such development would affect many other things.

Mr. Jackling remarked that our views seemed very clear. His Government had expressed doubt as to whether control over access to Berlin was really worth war. A great deal had happened since issuing the British memorandum. He remarked that he did not want to comment extensively. Mr. Kohler said that the situation had changed between the Secretary's press conference of November 26 and the Soviet note of November 27 which had required us to revamp all our thinking. He said the Three Powers could take the decision now which the aide-memoire called for and pointed out that it does not rule out handling the matter diplomatically. We should be careful to see that our note goes quite a way toward giving the Russians an escape hatch. This is the kind of move you make at the end of the road and we must not let any indecision or fuzziness on our part cause doubts to develop in the minds of the Russians as to exactly where the road ends. This decision is not necessarily bellicose. We are willing to talk with them. The more we studied this problem in our own Government the more we realized that unless this fundamental decision was made now we would lose.

Mr. Jackling asked whether there wasn't some risk of conveying the idea to the general public that we were going into battle on the issue of how far we deal with the GDR rather than on the issue of maintaining our position in Berlin. Mr. Kohler replied that no such danger existed although these were related points. The thing that would really get us into trouble would be to temporize. The only way to handle this matter was to make our fundamental decision right now and let the Soviets know what that decision was in no uncertain terms.

Mr. Jackling

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Mr. Jackling observed that the course of public opinion outside the Four Powers during the next few months would be important. This was the only factor he could see which may help move the Russians to compromise.

Mr. Kohler declared the factor which will make the Russians compromise is to know that we are ready to fight. He did not believe the Russians wanted to fight. We must find an "out" for them which they have not left for themselves.

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Embassy on Thursday, Dec 11, 45.
The following is a copy of the letter
by the Soviet Legation in Washington
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The United States Government has concluded that existing tripartitely agreed Berlin access contingency plans dating from 1954, as amended in 1957, are clearly not applicable to the present situation created by the Khrushchev speech of November 10 and the Soviet Note of November 27. The rationale upon which existing contingency plans were based is no longer convincing.

By unilaterally withdrawing from its position as an Occupying Power, the Soviet Union will create a vacuum in the Occupation arrangements. If no one interferes with our right of access, there is no problem. However, in the light of present practice (in which the "German Democratic Republic" already controls West German traffic completely) and the announced intentions of the Union of Soviet Socialist Republics and the "German Democratic Republic", harassment may be expected but, at least initially, probably would not involve total blockade as in 1948-49 but could be limited to Allied traffic only. If there is actual or threatened harassment or interference it would appear that general principles applicable to joint operations would apply. When one party drops out, the remaining parties are entitled to fill the vacuum at least to the extent necessary to protect their rights. Under these circumstances the Three Powers would be justified in asserting their rights to take over control of the Autobahn and railroad and to control air traffic between the Federal Republic and Berlin to the extent necessary to ensure their unrestricted access to Berlin.

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In no event would the "German Democratic Republic" become the beneficiary of an attempted relinquishment of its rights and obligations by the Union of Soviet Socialist Republics or an attempted voiding by the Union of Soviet Socialist Republics of the occupation rights of the Western Powers in Berlin, without the consent of the Western Powers. Further, they cannot be divested of their rights as occupying powers without their consent, which would presumably be given only in connection with a final settlement in the form of a peace treaty.

In 1954, when the Agency theory was considered feasible, it was assumed that the Soviets would only partially and gradually relinquish their controls. The theory breaks down when both principal (Union of Soviet Socialist Republics) and agent ("German Democratic Republic") deny such relationship and the Soviet Union is simply attempting to abandon its responsibilities. If we were consistent in asserting that the agency relationship did exist between the "German Democratic Republic" and the Union of Soviet Socialist Republics, we should logically have no basis for refusing to deal with the "German Democratic Republic" on any other matter involving Soviet responsibility in Germany.

As emphasized in communications from our Ambassador in Bonn, it is evident that the populace of Berlin as well as that of the Soviet Zone and the Federal Republic would regard any dealing with the "German Democratic Republic" checkpoint officials by the Western Powers as a first step, however tentative, toward recognition of the "German Democratic Republic" regime. Officials of the Federal Republic and of Berlin would inevitably draw conclusions from such action which would adversely affect both the present Allied position

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on the German question and Allied-German relationships. In addition, we would have to reckon with far greater difficulties in mobilising public opinion for a firm stand at some later stage, when we had already gone part way down the "slippery slope", than would be the case at the moment the first "German Democratic Republic" officials appear at the checkpoints. Finally, recognition of the "German Democratic Republic" by the Allies would make Allied access to Berlin even more vulnerable with the end result that our position would become completely untenable.

The Government of the United States is instructing its Embassy at Bonn to raise as a matter of urgency with representatives of the British and French Embassies the need to reconsider existing contingency plans with a view to eliminating all proposals for dealing with "German Democratic Republic" officials at Autobahn and railway checkpoints. After tripartite agreement has been reached the United States Government considers that it would be appropriate to inform the Government of the Federal Republic of the full details of the revised plans.

In place of present plans, the United States Government is communicating to its Embassy at Bonn the following approved United States course of action for discussion with representatives of the British and French Embassies:

A. The Three Ambassadors in Moscow should inform the Soviet Government at an appropriate time (1) that the Three Powers continue to hold the Union of Soviet Socialist Republics fully responsible under quadripartite agreements and arrangements concerning Berlin; (2) that the Three Powers have noted Soviet statements to the effect that the Union of Soviet Socialist Republics will

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withdraw from its remaining occupation functions with respect to Berlin. That they assume this means the Soviets intend to withdraw Soviet personnel from the Interzonal Autobahn and railway checkpoints and from the Berlin Air Safety Center; (3) that the right of the Three Powers to unrestricted access to Berlin would remain unaffected by such Soviet withdrawal; (4) that the Three Powers will not tolerate any attempt on the part of the "German Democratic Republic" to assert any control over or to interfere with their traffic to and from Berlin via quadripartitely established routes, and that they would take all measures necessary to protect their rights in this connection; (5) that, if the Soviets withdraw, the Western Powers will act on the assumption (a) the Union of Soviet Socialist Republics has decided to abolish unnecessary administrative procedures at interzonal borders, and (b) the Union of Soviet Socialist Republics can and will, without benefit of exchange of flight information in the Berlin Air Safety Center, maintain absolute separation of Soviet aircraft and all other aircraft flying in the Soviet Zone from aircraft of the Three Powers flying in the Berlin corridors and the Berlin control zone; (6) that the Three Powers will expect their traffic to move freely without any presentation of documents or other formalities at interzonal borders and will assume the Soviets have given blanket assurance of safety of all Three Power aircraft in the Berlin corridors and the Berlin Control Zone.

E. That we attempt, if Soviet personnel are then withdrawn from the checkpoints, to send through both military trains on normal schedule and an unescorted convoy on the Autobahn and that we instruct commanders as indicated in paragraph C below to refuse to present

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present any documentation to "German Democratic Republic" checkpoint officials or comply with any formalities suggested or instructions given by the latter. ~~(If the first uncovered convoy goes through, a subsequent attempt could be made to send through a convoy containing some covered vehicles.)~~

C. 1. If the "German Democratic Republic" checkpoint personnel refuse to permit passage of our trains and convoys without formalities, the procedure recommended by the Three Deputy Commandants at Berlin, as amplified by the United States Commandant in Berlin and the Commander-in-Chief, United States Army, Europe, would apply at once. In essence this is that on the Autobahn single military vehicles or convoys will demand transit through the Soviet Zone as a matter of right. If this is refused the vehicle or convoy commander will ask the "German Democratic Republic" official to produce a Soviet officer to whom normal documentation would be shown. If passage without documentation and the demand to see a Soviet officer are both refused the convoy or vehicle commander will turn back and report the matter to the military police on duty at the Allied checkpoint and furnish a full report of the incident to the United States (British or French) Commander. The same procedure would apply to privately owned vehicles licensed by the United States Army authorities. Instructions for privately owned vehicles of Embassy personnel bearing license plates issued by the Federal Republic would be worked out in coordination with the three Embassies.

C. 2. All instructions involve basically the same procedures, i.e. the train commander will declare to the "German Democratic Republic" official that the train is a military train and demand transit through the Soviet Zone as a matter of right. If

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the train is permitted to proceed without meeting further demands of East German officials, the train commander will transmit via radio his normal departure message from the Marienborn station and follow this with a second message notifying the Commanding General, Berlin Command of the presence of East German officials at the checkpoint.

C. 3. If the East German officials refuse to let the train pass and demand documentation, the train commander will ask for a Soviet officer to whom normal documentation will be shown. If a Soviet official is not produced or if the Soviet personnel appear but refuse to accept the normal documentation or to deal with the train commander, the train commander will request that his train be returned to its origin station. If return of the train is refused, the train commander will immediately report via radio to the Commanding General, Berlin Command and await further instructions.

C. 4. The Commanding General, Berlin Command will immediately notify United States Commander, Berlin and the Commander-in-Chief, United States Army, Europe, and no further action will be taken until approved by the Commander-in-Chief, United States Army, Europe.

D. At this stage of developments and before considering resort to an airlift an attempt to reopen access through the use of limited military force should be made in order to demonstrate our determination to maintain surface access. In any case, the Soviets and East Germans should not be allowed to entertain doubts as to our determination to do so if need be. Even if force is not resorted to at once we should continue to assert our rights to resume interrupted traffic and our intention to do so by force.

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1. As a concomitant to the above course of action, we should consider whether the Three Powers should not take some additional step to guarantee their unrestricted air access to Berlin, which would be essential to maintaining the status and security of the city. The Three Powers might, for example, reformulate and restate their Berlin guarantee, modifying it to add that they will regard any interference with their right and practice of unrestricted access to Berlin by air, including operation of their civil air carriers, as an attack upon their forces and upon themselves. Here the issue of flight in the corridors over 10,000 feet might be solved by a simple Three Power agreement to fly at an altitude appropriate to efficient operation of individual aircraft. Communist harassment of our air access, which would be possible only through patent application of force, would be clear evidence of provocative intent. If it occurred, we could then take such military/political/economic counteraction as necessary to maintain Berlin with assurance that such action would have the support of American, French, British and German public opinion.

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Department of State,
Washington, Dec. 11, 1958

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